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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,574	06/01/2007	Isabelle Kubica	5284-68PUS	7476
27799 7590 08/17/2009 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER MAGLO, EMMANUEL K				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,574

Applicant(s)

KUBICA ET AL.

Examiner

EMMANUEL MAGLO

Art Unit

2416

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to the amendment filed 05/26/2009.

Claims 1-10, 12 and 13 been amended.

Claim 11 has been canceled.

Claims 1-10, 12 and 13 remain in the application.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment to claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Mohan et al. (US 2003/0063590 A1), hereinafter referred to as Mohan in view of Young et al. (US 2002/0065774 A1), hereinafter referred to as Young.

Regarding claim 1, Mohan discloses *a system for linking at least two multimedia terminals*, (fig. 1 communication system 100, handsets 102A and 102B),

an application server, (multimedia personal call management MPCM server 124);

a memory, (note the MPCM server 124 contains memory capacity [0041]), *that contains multimedia contents that may be chosen by a calling person*, ([0071]-[0072]: The MPCM service sends a menu of choices to the caller based on a subscribed service profile, the profile of the called party and/or the content stored on the server. The content stored on the server includes the calling parties' uploaded multimedia clips),

wherein said server comprises means for managing entities of the network, ([0024], [0027], [0040]: development environment and tool set comprised on the server side manages call routing, signaling), *to synchronize signaling of a call from a terminal of a calling person to the terminal of a called person with multimedia content chosen by said calling person*, (figs. 5-9 depicts the call signaling sequence illustrating the signaling required to establish a call between the calling party and the called party; the calls based on multimedia data associated with call signaling,

Although Mohan discloses the claimed invention , (using a WAP (wireless Access Protocol) which is a protocol for displaying contents on a portable terminal), it does not explicitly discloses that *said multimedia content received at the terminal of the called person remains displayed on the terminal after initiation of said call and throughout said call.*

Young describes methods and systems that provide users with control over telecommunication services: as shown in fig.4, and [0035], [0070], [0071], a first mobile telephone 10 is shown in communication with the transaction portal server 24 via the mobile network 30, and in communication with the a second mobile telephone 11 labeled "Recipient," using a WAP (wireless Access Protocol) which is a protocol for displaying contents on a portable terminal. Young teaches web pages of the type viewable on the display screen of the phones, and other interactive contents.

It would have been obvious to a person of ordinary skill at the time the invention was made to implement Mohan with Young for displaying contents on a portable terminal of the receiver.

Regarding claim 2, Mohan discloses *a method of linking at least two multimedia terminals connected to each other via a landline or cellular network*, (fig. 1 communication system 100 is capable of both wireless network and landline network; the system connects multimedia terminals through MPCM service via server 124)

choosing, at the terminal of a calling person, multimedia content to be sent to the terminal of a called person before placing a call from the terminal a the calling person to the terminal of the called person, (fig. 6 steps 4 and 5 [0076]: the caller selects a media clip (e.g.,

including audio data and/or video data and/or non-medium specific data) for transmission to the called party before connecting to the called party in step 7D), *and*

receiving said multimedia content at the terminal of the called person synchronously with reception of signaling of the call, (the MPCM service connects (7B-D) the called party via a switch. In the sequence illustrated in FIG. 6, the user chooses to record a voice clip. Accordingly, the MPCM service obtains (6) a voice clip from the calling party. The caller indicates (7A) to the MPCM service that the recording is complete. The MPCM service connects (7B, 7C) the called party via a switch. [0077] The MPCM service sends (7D) the recorded voice clip to the called party.

wherein said multimedia content received at the terminal of the called person remains displayed on the terminal after initiation of said call and throughout said call.

Although Mohan discloses the claimed invention , (using a WAP (wireless Access Protocol) which is a protocol for displaying contents on a portable terminal), it does not explicitly disclose that *said multimedia content received at the terminal of the called person remains displayed on the terminal after initiation of said call and throughout said call.*

Young describes methods and systems that provide users with control over telecommunication services: as shown in fig.4, and [0035], [0070], [0071], a first mobile telephone 10 is shown in communication with the transaction portal server 24 via the mobile network 30, and in communication with the a second mobile telephone 11 labeled "Recipient," using a WAP (wireless Access Protocol) which is a protocol for displaying contents on a portable terminal. Young teaches web pages of the type viewable on the display screen of the phones, and other interactive contents.

It would have been obvious to a person of ordinary skill at the time the invention was made to implement Mohan with Young for displaying contents on a portable terminal of the receiver.

Regarding claim 3, Mohan discloses that *the multimedia content received at the terminal of the called person is displayed conjointly with or after other multimedia content personalized beforehand by the called person*. ([0077]: the MPCM service sends (7D) the recorded voice clip to the called party. Note that the voice clip is displayed together with the MPCM service sends (8) a menu of options to the called party based on the called party's profile),

Regarding claim 4, Mohan discloses the claimed invention except explicitly *the multimedia content received at the terminal of the called person remains displayed on said terminal throughout the call by default, the called person being able at any time during the call to delete the display of said content*,

Young describes in fig.4, and [0035], [0070], [0071], a first mobile telephone 10 is shown in communication with the transaction portal server 24 via the mobile network 30, and in communication with the a second mobile telephone 11 labeled "Recipient," using a WAP (wireless Access Protocol) which is a protocol for displaying contents on a portable terminal. WAP provides web pages of the type viewable on the display screen of the phones, and other interactive contents. It would have been obvious to a person of ordinary skill at the time the invention was made to implement Mohan with Young for displaying contents on a portable terminal of the receiver.

Regarding claim 5, Mohan discloses *the display of said multimedia content on the terminal of the called person disappears when the call is terminated* ([0078]: call termination is pro The MPCM service releases (12A and 12B) the call once the caller hangs up. The MPCM service disconnects (13) the call. Note, the menu selection disappears),

Regarding claim 6, Mohan discloses *if the called person does not answer, the call and the multimedia content are stored in voicemail associated with the terminal of the called person and appear when the voicemail is consulted*, ([0077]: in the absence of the called party the MPCM service forwards the call to a mail box; [0035]: the mailbox located on server or MMS user agent provides a user with the ability to view, compose, and handle (at any time) multimedia messages).

Regarding claim 7, Mohan discloses that *if the called person does not respond and is in a coverage area of the cellular network, the multimedia content is stored in a call log of the terminal of the called person's terminal*, ([0077]: In addition the multimedia files, [0042], the transaction log 174 contains information regarding date and time of call, calling and called party phone number, multimedia file transferred, size of the file, call duration, and call control path selected by the called party)

Regarding claim 8, Mohan discloses *before placing the call, the calling person associates the multimedia content with at least one person to be called*, (fig. 6: media connection between the

caller and the server provides the caller to associate desired contents (see menu selection 1-5) before connecting to the called party in step 7D).

Regarding claim 9, Mohan discloses *at a time the calling person sets up the call to the called person, the calling person associates said multimedia content with said called person and with a situation relating to the call.* ([0089] - [0091]: a salesman can initiate a call by supplying a product video clip (*associates a multimedia content*), to the called party when the sales person calls, based on the subject specified (in this example, information concerning a laptop (*situation relating to the call*)),

Regarding claim 10, Mohan discloses *a server belonging to a landline or cellular network*, (fig. 1 communication system 100 is capable of both wireless network and landline network), *comprising:*

means for managing entities of the cellular network to synchronize signaling of a call from a terminal of a calling person to the terminal of a called person with multimedia content chosen by said calling person, (multimedia personal call management MPCM server 124; figs. 6-9 depicts the call signaling sequence illustrating the signaling synchronization *of a call from a terminal of a calling person* (fig. 5, person with terminal 120A) *to a terminal of a called person* (fig. 5 person with terminal 120B).

wherein said multimedia content received at the terminal of the called person remains displayed on the terminal after initiation of said call and throughout said call.

Although Mohan discloses the claimed invention , (using a WAP (wireless Access Protocol) which is a protocol for displaying contents on a portable terminal), it does not explicitly disclose that *said multimedia content received at the terminal of the called person remains displayed on the terminal after initiation of said call and throughout said call.*

Young describes methods and systems that provide users with control over telecommunication services: as shown in fig.4, and [0035], [0070], [0071], a first mobile telephone 10 is shown in communication with the transaction portal server 24 via the mobile network 30, and in communication with the a second mobile telephone 11 labeled "Recipient," using a WAP (wireless Access Protocol) which is a protocol for displaying contents on a portable terminal. Young teaches web pages of the type viewable on the display screen of the phones, and other interactive contents.

It would have been obvious to a person of ordinary skill at the time the invention was made to implement Mohan with Young for displaying contents on a portable terminal of the receiver.

Regarding claim 12, Mohan discloses *said server* (MPCM service 124) *further comprises means for adapting the multimedia content to capabilities of the terminal of the called person*, (the MPCM service 124 also includes a device profile handler 154 that communicates with the database 126 or the SPI 138 depending on whether the device profile is stored in MPCM database. The device profile handler 154 formats data appropriately depending on the capabilities of registered user devices. For example, depending on a called party device profile, the device profile handler 154 selects one of the TTS, MMS, SMS, or WAP services and may

adapt the multimedia data to the called party's device capability. The DP handler 154 also communicates with device capability server 153; [0034]).

Regarding claim 13, Mohan discloses *server of claim 10, further comprising means for adapting the multimedia content to capabilities of the called person's terminal*, (the MPCM service 124 (server) also includes a device profile handler 154 that communicates with the database 126 or the SPI 138 depending on whether the device profile is stored in MPCM database. The device profile handler 154 formats data appropriately depending on the capabilities of registered user devices. For example, depending on a called party device profile, the device profile handler 154 selects one of the TTS, MMS, SMS, or WAP services and may adapt the multimedia data to the called party's device capability. The DP handler 154 also communicates with device capability server 153; [0034]).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL MAGLO whose telephone number is (571)270-1854. The examiner can normally be reached on Monday - Thursday 7:00 - 4:30 and every other Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Trost/
Supervisory Patent Examiner, Art Unit
2416

Emmanuel Maglo
Patent Examiner
August 17, 2009